

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION AT DAYTON**

CHARLES E. McCOY,

Plaintiff,

-v-

CITY OF TROY, et al.,

Defendants.

Case No. C-3:09-cv-211

Judge Thomas M. Rose

Magistrate Judge Sharon L. Ovington

**ENTRY AND ORDER ADOPTING THE MAGISTRATE JUDGE'S
REPORT AND RECOMMENDATIONS REGARDING DISMISSAL OF
SHERIFF CHARLES COX(Doc. #61) AND TERMINATING THIS CASE**

This matter comes before the Court pursuant to Magistrate Judge Sharon L. Ovington's Report and Recommendations (doc. #61) regarding Sheriff Charles Cox's ("Sheriff Cox's") Motion for Judgment On the Pleadings. (Doc. #49.) Therein, the Magistrate Judge recommends that pro se Plaintiff Charles E. McCoy's ("McCoy's") Amended Complaint against Sheriff Cox fails to state a claim for which relief may be granted. The Magistrate Judge further recommends that, since no Defendants remain (see doc. #34 and doc. #57), McCoy's Amended Complaint be dismissed and this case be terminated.

McCoy did not respond to Sheriff Cox's Motion for Judgment On the Pleadings. However, apparently as an objection to the Report and Recommendations, McCoy filed five exhibits: an Agreement between Premier Health Care Services, Inc. and the Miami County Board of Commissioners for the Sheriff's Office; a section of the Miami County Sheriff's Office Jail Operations Manual; a memo from Sergeant Doug Kirk to Dee Sandy; an Inter-Office Memo from Deputy J. L. Berry to Jail Administrator Mrs. Sandy; and a copy of a letter from the Ohio

Department of Rehabilitation and Correction to attorney Jeff Donnellon. (Doc. #62.) The time has run and Sheriff Cox has not responded to McCoy's apparent objection.

As required by 28 U.S.C. §636(b) and Federal Rules of Civil Procedure Rule 72(b), the District Judge has made a de novo review of the record in this case. Upon said review, the Court finds that the Magistrate Judge's Report and Recommendations regarding the dismissal of Sheriff Cox is adopted in its entirety.

McCoy has failed to state a claim against Sheriff Cox for which relief may be granted. Further, if McCoy's exhibits (doc. #62) were to be considered an objection, it is OVERRULED.

Defendant Sheriff Charles Cox's Motion for Judgment On the Pleadings (doc. #49) is GRANTED. McCoy's Amended Complaint against Sheriff Cox is DISMISSED. Since no Defendants remain (see doc. #34 and doc. #57), McCoy's Amended Complaint is DISMISSED. Finally, this case is hereby ordered terminated on the docket records of the United States District Court for the Southern District of Ohio, Western Division at Dayton.

DONE and ORDERED in Dayton, Ohio, this Twenty-Third Day of August, 2010.

s/Thomas M. Rose

THOMAS M. ROSE
UNITED STATES DISTRICT JUDGE

Copies furnished to:

Counsel of Record
Charles E. McCoy at his last address of record